

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRICK BELLMAN,

Plaintiff,

v.

THE COUNTY OF WAYNE, *et. al.*,

Defendants.

Case No. 12-13031

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff Darrick Bellman filed a two-count complaint in this court July 10, 2012, alleging gross negligence in Count I and violations of his constitutional rights in Count II.

Although Plaintiff's cause of action arising under the United States Constitution is cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations of gross negligence presented in Count I are based solely on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claim in order to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Count I of the complaint is **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: September 7, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, September 7, 2012, using the ECF system.

s/William Barkholz
Case Manager